

### **III. REMARKS**

#### **Status of the Claims**

Claims 1 and 6 are amended. Claims 2 and 3 are allowed. Claims 1, 4-6 are submitted for further consideration.

#### **Summary of the Office Action**

Claims 1 and 4-6 stand rejected under 35USC103(a) on the basis of the cited reference Kronestedt, U.S. Patent No. 6,308,082 in view of admitted prior art. The Examiner is respectfully requested to reconsider his rejection in view of the amendment and the following remarks.

The above amendment is submitted in response to the statements of the Examiner and the board regarding features argued by Applicant, but not incorporated into the claims.

#### **Responsive Remarks**

In applicant's appeal brief, it was argued that a central idea in the present invention is that the channel coding and/or interleaving schemes should be chosen independently for each new connection that is to be set up, so that when the request for setting up of a specific connection includes certain QoS parameters that the new connection should fulfil, the decision-making device will take the requested QoS parameters and use them as a basis for selecting the appropriate, connection-specific channel coding and/or interleaving schemes based on the expected use.

This is not disclosed in the reference Kronestedt and the

admitted prior art does not remedy this deficiency. Neither of the references, either alone or in combination, teach the connection specific application of this invention.

The reference Kronestedt does not operate on a connection by connection basis. This is explicitly stated at column 5, lines 16-23 of Kronestedt, as follows:

**"The fixed-site transceivers and mobile stations of the cell respond to this mode information by implementing a modulation and channel coding scheme corresponding to the selected mode. This modulation and channel coding scheme will be implemented by all mobile stations and fixed-site transceivers of the cell, so that all radio links of the cell will operate in the same modulation and channel coding mode."**

The difference between the subject invention, and the "admitted prior art" is clearly described above. This difference is clearly supported by the language in independent claims 1 and 6, wherein the channel coding and interleaving scheme are applied independently to a specific connection. This feature is now clearly stated in independent claims 1 and 6 as amended.

#### **The Issue of Obviousness**

It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of

success must both be found in the prior art, without reference to the disclosure of this application.

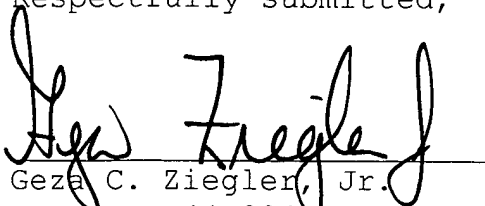
Applicant submits that the above described deficiencies of the primary reference Kronestedt are not remedied by the proposed combination with the teaching of the reference "admitted prior art". The combined references do not therefore support a prima-facie case of obviousness. The modification of the teachings of Kronestedt and the "admitted prior art", in order to obtain the invention, as described in the claims submitted herein, would not have been obvious to one skilled in the art.

The above arguments apply equally to the rejected dependent claims.

In view of the remarks stated above, Applicant submits that all of the claims under consideration contain patentable subject matter and favorable action by the Examiner is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$790.00 is enclosed for the filing of the "RCE". The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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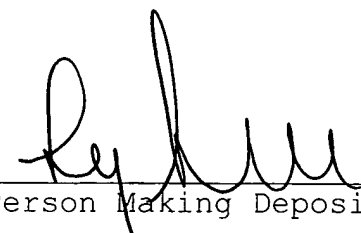
17 May 2006  
Date

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